

REMARKS/ARGUMENTS

35 USC § 102

Claims 1-2, and 4-9 were rejected under 35 USC § 102(b) as being anticipated by LaPerre (U.S. Pat. No. 5,620,775). The applicant disagrees, especially in view of the following:

Amended claim 1, and claims 2 and 4 by virtue of their dependence on amended claim 1 expressly require a step of "...providing an adhesive-repellant base medium..." and to imprint "...the base medium with a transfer adhesive..." In a further step, amended claim 1 expressly requires to print "...a reflection ink...[that]...comprises a plurality of reflection particles..." These limitations are not taught by LaPerre.

Among other things, the presently claimed process starts with providing an adhesive-repellant base medium, followed by deposition of a transfer adhesive as well as a reflection ink containing a plurality of reflection particles which are then dried to be raised about the surface of the hardened reflection ink. In contrast, **LaPerre starts with (see e.g. figure 6 and claim 30) providing a transfer carrier comprising a glass bead release layer 56 bonded to a support layer 55, followed by embedding a layer of transparent glass beads (in order to get a reflection effect), which has to be performed in a mirror-reversed fashion.** Thus, LaPerre fails to start with the adhesive-repellant base medium (reference Number 54, which is added at the very end of the process according to LaPerre), but starts with depositing glass beads as reflective particles at the beginning of the process, while the adhesive layer 53 is added at a much later stage of the process.

With further respect to anticipation and obviousness, the applicant points out that, as can be seen in figure 4 of LaPerre, as well as in column 17, line 10 to 14, an optional colored polymeric layer 14 is attached to an adhesive layer 13 on a side of adhesive layer 13 opposite to that which has the glass beads 11 based therein. Consequently, the glass beads 11 in LaPerre's process are separated from the color layer 14 by the adhesive 13. Viewed from another perspective, **the color ink 14 does not comprise the glass bead 11 which are regarded by the Examiner as the reflective particles** (see e.g. page 3, 2. paragraph of the Office Action). Such a difference is far from being trivial: An important consequence of the fundamentally different manufacturing process performed by LaPerre is that the **"beads-layer" has to fit exactly to the**

“color-layer” and, more specifically, the group of layers 54, 52 and 53 is **not allowed to shrink during the manufacturing process**, since it has to fit exactly to the bead layer 11 and the color layer 14.

Moreover, **LaPerre's method requires that adhesion of the first adhesive to the glass beads must be stronger than the adhesion of the thermoplastic release layer to the glass beads** (column 29, lines 40 to 42 of LaPerre). These requirements together with the complexity of the structure of LaPerre significantly enhance the costs and efforts of LaPerre's method. In contrast to this, the inventors have found that a deposition of only an adhesive repellant base medium, the transfer adhesive and a reflection ink containing a plurality of reflection particles, leads, in a very simple and effective way, to strongly improved reflection properties as a result of drying the transfer at the end of the method in order to allow sinking of the reflection ink so that the reflection particles are raised above the surface of the hardened mixture of the transfer adhesive. Such a process is clearly neither taught nor suggested by Laperre.

With respect to LaPerre's suggestion (in column 15, lines 1 to 10) to provide a “last underlying layer...” containing nascent reflecting particles such as aluminum flakes or metallic layer”, it should be noted that the reflective effect of this layer is not comparable to that of the present invention. More specifically, light reaches said optional underlying layer only after having passed the upper layers, in particular the glass bead layer. In contrast to this, in the reflection transfer according to the present invention, the perception of the reflected colors in the upper-lying reflection ink layer (containing the plurality of raised-above reflection particles) is significantly stronger.

With respect to the rejection of **claims 5-9**, the same considerations as provided above apply as amended independent claim 5 (and claims 6-9 by virtue of their dependence on amended claim 5 require that “...an adhesive-repellant base medium...” is imprinted “...with a transfer adhesive/reflection ink mixture, whereby the mixture contains a plurality of reflection particles, or...a transfer adhesive which contains a plurality of reflection particles...”

35 USC § 103

Claim 3 was rejected under 35 USC § 103 as being obvious over LaPerre. Among other things, dependent claim 3 is dependent on non-obvious amended claim 1 and should therefore not be held obvious for the reasons provided above.

REQUEST FOR ALLOWANCE

Claims 1-9 are pending in this application. The applicant requests allowance of all pending claims.

Respectfully submitted,

RUTAN & TUCKER

By 

Martin Fessenmaier, Ph.D.

Reg. No. 46,697

Tel.: (714) 641-5100